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7 JOSE ANTONIO AGUILAR  
8 JARAMILLO,  
9

10 Plaintiff,

11 v.  
12

13 MICHAEL LEISHMAN, ANTONIO  
14 MONTOJO, & THE CITY OF SAN  
15 MATEO,  
16

Defendants.

17 Case No. [13-cv-00441-NC](#)  
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**VERDICT FORM**

**VERDICT FORM**

We, the jury, unanimously find the following by a preponderance of the evidence:

**Part A. LIABILITY****Section 1983 Claim – Excessive Force**

1. Did any of the officers use excessive force against Jose Antonio Aguilar  
7 Jaramillo?

8 Michael Leishman Yes \_\_\_\_\_ No \_\_\_\_\_  
Antonio Montojo Yes \_\_\_\_\_ No \_\_\_\_\_  
9

10 If your answer is “Yes” to any of the defendants, then please proceed to Question 2. If  
your answers to Question 1 are both “No,” proceed directly to Question 5.

- 11 2. Was any of the officers’ use of force the moving force that caused harm to  
12 Jose Antonio Aguilar Jaramillo?

13 Michael Leishman Yes \_\_\_\_\_ No \_\_\_\_\_  
Antonio Montojo Yes \_\_\_\_\_ No \_\_\_\_\_  
14

15 If your answer is “Yes” to any of the defendants, then please proceed to Question 3. If  
your answers to Question 2 are both “No,” proceed directly to Question 5.

**California Civil Code Section 52.1 (Bane Act) Claim**

- 18 3. Did any of the officers use actions that a reasonable person would have  
19 found threatening, intimidating, or coercive against Jose Antonio Aguilar  
20 Jaramillo, which interfered with Jose Antonio Aguilar Jaramillo’s right to  
be free from excessive force?

21 Michael Leishman Yes \_\_\_\_\_ No \_\_\_\_\_  
22 Antonio Montojo Yes \_\_\_\_\_ No \_\_\_\_\_

23 If your answer is “Yes” to any of the defendants, then please proceed to Question 4. If  
24 your answers to Question 3 are both “No,” proceed directly to Question 5.

- 25 4. Was any of the defendants’ conduct a substantial factor in causing harm to  
Jaramillo?

26 Michael Leishman Yes \_\_\_\_\_ No \_\_\_\_\_  
27 Antonio Montojo Yes \_\_\_\_\_ No \_\_\_\_\_

28 Please proceed to Question 5.

United States District Court  
Northern District of California

## Battery Claim

5. Did Jaramillo prove that any of the officers committed a battery against him?

Michael Leishman  
Antonio Montojo

Yes \_\_\_\_\_  
Yes

No \_\_\_\_\_  
No

Please proceed to Question 6.

## Negligence Claim

**6. Were any of the officers negligent?**

Michael Leishman  
Antonio Montojo

Yes \_\_\_\_\_  
Yes

No \_\_\_\_\_  
No

If your answer is “Yes” to any of the defendants, then please proceed to Question 7. If your answers to Question 6 are both “No,” proceed directly to Question 11.

7. Was any of the officers' negligence a substantial factor in causing harm to Jose Antonio Aguilar Jaramillo?

Michael Leishman  
Antonio Montojo

Yes \_\_\_\_\_  
Yes

No \_\_\_\_\_  
No

If your answer is “Yes” to any of the defendants, then please proceed to Question 8. If your answers to Question 7 are both “No,” proceed directly to Question 11.

#### 8. Was Jose Antonio Aguilar Jaramillo negligent?

Yes

No \_\_\_\_\_

If your answer to Question 8 is “Yes,” then please proceed to Question 9. If your answer to Question 8 is “No,” proceed directly to Question 11.

9. Was Jose Antonio Aguilar Jaramillo's negligence a substantial factor in causing his harm?

Yes

No

If your answer to Question 9 is “Yes,” then please proceed to Question 10. If your answer to Question 9 is “No,” proceed directly to Question 11.

1           10. What percentage of responsibility for Jose Antonio Aguilar Jaramillo's  
2           harm do you assign to:

3           Michael Leishman: \_\_\_\_\_ %  
4

5           Antonio Montojo: \_\_\_\_\_ %  
6

7           Jose Antonio Aguilar Jaramillo: \_\_\_\_\_ %  
8

9           Total: 100 %  
10

11 Please proceed to Question 11.  
12

### 13           **Intentional Infliction of Emotional Distress**

14           11. Was the conduct of any of the officers outrageous?

15           Michael Leishman         Yes \_\_\_\_\_           No \_\_\_\_\_  
16           Antonio Montojo         Yes \_\_\_\_\_           No \_\_\_\_\_  
17

18 If your answer is "Yes" to any of the defendants, then please proceed to Question 12. If  
19 your answers to Question 11 are both "No," proceed directly to Part B.  
20

21           12. Did any of the officers intend to cause Jose Antonio Aguilar Jaramillo  
22           emotional distress, or did any of the officers act with reckless disregard of  
23           the probability that Jose Antonio Aguilar Jaramillo would suffer emotional  
24           distress, knowing that Jose Antonio Aguilar Jaramillo was present when  
25           the conduct occurred?  
26

27           Michael Leishman         Yes \_\_\_\_\_           No \_\_\_\_\_  
28           Antonio Montojo         Yes \_\_\_\_\_           No \_\_\_\_\_  
29

30 If your answer is "Yes" to any of the defendants, then please proceed to Question 13. If  
31 your answers to Question 12 are both "No," proceed directly to Part B.  
32

33           13. Did Jose Antonio Aguilar Jaramillo suffer severe emotional distress?

34           Yes \_\_\_\_\_                  No \_\_\_\_\_  
35

36 If your answer to Question 13 is "Yes," then please proceed to Question 14. If your  
37 answer to Question 13 is "No," please proceed directly to Part B.  
38

39           14. Was any of the officers' conduct a substantial factor in causing harm to  
40           Jose Antonio Aguilar Jaramillo?  
41

42           Michael Leishman         Yes \_\_\_\_\_           No \_\_\_\_\_  
43           Antonio Montojo         Yes \_\_\_\_\_           No \_\_\_\_\_  
44

45 Please proceed to Part B.  
46

United States District Court  
Northern District of California**Part B. DAMAGES**

If you answered "Yes" to any or all of Questions 2, 4, 5, 7, or 14, please answer the following questions. Otherwise, stop here, answer no further questions, and have the presiding juror sign and date this form.

15. What is the total amount of damages, if any, suffered by Jose Antonio Aguilar Jaramillo in each category described below? Do not award duplicate damages for the same harm suffered from multiple claims.

Medical Expenses:	\$ _____
Lost Earnings:	\$ _____
Pain and Suffering:	\$ _____
Emotional Distress:	\$ _____
Subtotal	\$ _____

16. Does the jury award punitive damages because it finds that Michael Leishman's or Antonio Montojo's conduct that harmed Jose Antonio Aguilar Jaramillo was malicious, oppressive, or in reckless disregard of Jose Antonio Aguilar Jaramillo's rights?

Yes \_\_\_\_\_ No \_\_\_\_\_

If your answer to Question 16 is "Yes," then please proceed to Question 17. If your answer to Question 16 is "No," please proceed to Question 18.

17. What is the total amount of punitive damages you wish to award Jose Antonio Aguilar Jaramillo based on each of officers' conduct?

Michael Leishman:	\$ _____
Antonio Montojo:	\$ _____
Subtotal	\$ _____

18. What is the total amount of damages awarded to Jose Antonio Aguilar Jaramillo? Please combine the damages subtotals from Questions 15 and 17.

TOTAL: \$ \_\_\_\_\_

Please have the presiding juror sign and date this form.

SO SAY WE ALL, this \_\_\_\_ day of February, 2015.

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PRESIDING JUROR